

ORDINANCE NO. 424

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP BY AMENDING CERTAIN SECTIONS OF CHAPTER 39 ENTITLED “SHADE TREE COMMISSION”. THE PURPOSE OF THESE AMENDMENTS IS TO PROPERLY DEFINE THE SHADE TREE COMMISSION WHICH SHALL BE AN ADVISORY BOARD CHARGED WITH THE OVERSIGHT OF SHADE TREES WITHIN THE RIGHT-OF-WAYS OF PUBLIC STREETS OF THE TOWNSHIP.

The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania under and by virtue of the authority granted by the Second Class Township Code does hereby enact and ordain:

Section 1.

The Code of East Norriton Township, Chapter 39, being the East Norriton Township Shade Tree Commission Ordinance is hereby amended as follows:

Section 39-2.C. is hereby deleted and replaced with the following:

C. The Chairman of the Shade Tree Commission shall be elected by majority vote by a quorum of the members of the Commission on an annual basis each January.

Section 39-3.C. is hereby deleted and replaced with the following:

The Shade Tree Commission (hereinafter called the “Commission”) of East Norriton Township (hereinafter called the “Township”) shall advise the Board of Supervisors regarding the control of the shade trees within the right-of-way of public streets of the Township, including residential subdivisions in the Township, recommend the planting, removal, maintenance and protection of such trees and review subdivisions and land developments, and the plans as are authorized by the Zoning Ordinance and Subdivision Ordinance.

Section 39-5.C. is hereby deleted and replaced with the following:

C. Permit. A permit in writing as issued by the Township and reviewed by the Shade Tree Commission.

Section 39-6.A, B, C and E are hereby deleted and replaced with the following:

A. Application. The application for any permit required hereunder shall be made to the Township upon forms furnished by the Township and shall specify the particular kind of work or operation the applicant desires to perform thereunder and shall state the exact location and species of any tree or trees affected. The Township shall submit every such application to the Commission for review.

B. Time of Permit. The permit shall be effective for such length of time as the Township shall in each case determine, which shall be indicated on the permit.

C. Revocation. The Township may revoke any permit issued pursuant to this ordinance upon notice to the permittee, for violation of the conditions of the permit or of this ordinance.

E. Posting of escrows. The Township at its discretion, as a condition precedent to the issuing of the permit, may require the applicant to post escrow satisfactory to the Township to guarantee the compliance by the applicant with the terms and conditions upon which the permit is issued.

Section 39-7. A, B, C, D and E are hereby deleted and replaced with the following:

A. Trees Required. Shade trees shall be planted in all new residential subdivisions and land developments including land abutting any street previously opened as required under any of the Township's zoning and subdivision ordinances. The type of shade tree or trees shall be reviewed by the Commission and the installation shall be subject to inspection by the Township.

B. Permit Prior to Building or Zoning Permit. There shall not be issued to any person a building and/or zoning permit unless a shade tree permit, or waiver therefrom, has been issued by the Board of Supervisors and appropriate escrow posted with the Township to insure compliance with this ordinance and regulations adopted hereunder. Before a certificate of occupancy is issued, all of the necessary work must be completed or a sufficient escrow must be posted with the Township.

C. Determine Escrow. The escrow to be posted shall equal the cost, as determined by the Township, of purchasing, planting and maintaining, for eighteen (18) months, the required shade trees.

D. Number, Size and Location of Shade Trees. The number, size, species and location of shade trees planted in subdivisions and land developments shall be in accordance with a plan reviewed by the Commission and approved by the Township.

E. Planting. Shade trees shall be planted within two (2) years from the issuance of a permit or at such time as may be authorized by the Township. Failure to plant the

trees shall be a default and the escrow posted shall be forfeited. Any funds derived from a default shall be expended by the Township to plant the required trees.

Section 39-8. is hereby deleted and replaced with the following:

No shade tree shall be planted within any right-of-way of any public street nor within ten (10) feet of a paved sidewalk or curb nor within one hundred (100) feet of any intersection in the Township until a permit is granted therefore, such permit to designate the place where such tree is to be planted. The Township may refuse a permit to plant any species of tree which in its opinion is not suited to the location. Every effort shall be made to locate trees so as not to interfere with the installation and maintenance of sidewalks and utilities.

Section 39-9.B. is hereby deleted and replaced with the following:

B. Protection During Construction. Prior to any building operation or the performance of any work whatsoever in the Township in the vicinity of any shade trees, such builder or worker or subdivider shall submit to the Township a plan of the area in which such building, work or construction shall be done and such plans shall include the location of all major shade trees clearly depicted by a mark showing approximately height and breadth or, if appropriate, shall be designated "wooded area". Upon receipt of such plans, which show the tree or trees to be cleared and those to remain, the Township shall rule on such plans and may regulate which other trees are to be cleared or protected.

Before any such work shall be commenced, in connection with any building operation or the performance of any work whatsoever in the Township in the vicinity of any shade trees, guards shall be placed at all shade trees which may be affected by such work so as to effectively prevent injury to them. Plans shall show all existing trees.

Section 39-10.A and B are hereby deleted and replaced with the following:

A. Minimum height. All shade trees shall be kept trimmed so that the minimum height where they overhang any public walk or road shall be fifteen (15) feet. However, the Township reserves the right to designate a higher clearance on certain highways, where heavy traffic or other conditions make it expedient to do so. Shade trees having branches projecting over a public walkway shall be kept trimmed so that the lowest branches shall have a minimum height or eight (8) feet or such other height as may be specified by the Township.

B. Failure to Trim Shade Trees as Required. In the case of an owner of a property who neglects or refuses to trim such trees upon being notified in writing by the Township to do so within the time specified by such notice, the Township may after the expiration of the date specified in such notice, cause trimming to be done at the expense of the owner and the entire cost thereof shall be a lien upon the premises which shall be filed and collected by the Township in the same manner as municipal claims are filed and collected.

Section 39-11.A is hereby deleted and replaced with the following:

A. Notice to Remove. The Township may, upon written notice sent by Certified Mail, Return Receipt Requested, require owners of property to cut and remove dead trees or trees afflicted with the Dutch Elm or other disease which threatens to destroy or injure shade trees in the Township.

Section 39-12. is hereby deleted and replaced with the following:

The Township's permit requirements and regulatory powers do not apply to trees outside the right-of-way of public streets except as provided in Section 39-11 and as stated in other Township Codes. However, many trees planted outside the right-of-way of public street may grow into the right-of-way of the street and thereby become subject to the provisions of this ordinance. Any person planting a tree within thirty (30) feet of the public street is advised to consult with the Township or Commission to avoid possible future problems.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holdings shall not effect the validity of the remaining portions of this ordinance.

Section 3. Ratification.

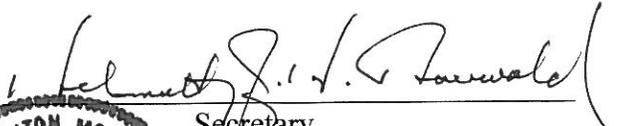
This ordinance shall in no other way effect, amend or modify the Code of East Norriton Township. Where conflict between this Ordinance and the Code exists, the terms of this Ordinance shall prevail.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this 21st day of August, 2000.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP


Chairman

ATTEST:


Secretary

